

## **REMARKS**

### **I. Status of Claims**

Claims 1-32, 35, and 36 have been cancelled. Claims 33, 34, and 37-61 are pending and were apparently rejected by the final Office Action dated April 4, 2009.

The supplemental After Final Response submitted on September 26, 2009 included amendments which were not entered by the Advisory Action mailed November 3, 2009. A second supplemental After Final Response was submitted on February 19, 2010 to correct the dependency of claim 37, and has not been entered as of the submission of this Response.

This response amends claims 33, 37, 46, and 51 as shown above, and effectively replaces the above mentioned amendments (September 26, 2009, and February 19, 2010).

### **II. Status of Claim 58**

As a preliminary matter, Applicant notes that dependent claim 58 is listed as rejected in the Office Action Summary form PTOL-326 of the final Office Action dated April 4, 2009, but no discussion of claim 58 is present in the body of the final Office Action. Thus, **the true status of claim 58 is not clear.**

Applicant requests clarification of the status of claim 58.

### **III. Arguments for Patentability**

#### **(a) 35 U.S.C. § 103 Rejections over Gelinotte**

Claims 33, 38, 39, 43-45, 51, 52, 56, 60, and 61 are finally rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent Publication 2004/0229682 (hereinafter "Gelinotte"). Applicant urges that this rejection is in error and requests reconsideration by

the Examiner in view of the following comments.

Independent claims 33 and 51 recite, in part, “at least one display device for displaying an output message obtained from the processing unit and based at least in part on information contained in said memory, said **display device including a screen at least one of on and in said tabletop.**”

The location of the screen (ergonomics) is very important to the operation of the table. For example, the tray or rack containing chips is located on or in the table, and “must be continuously monitored by the table operator, in this instance the croupier,” as stated at paragraph [0004] of the present patent publication. Therefore, there is a need for enabling “the display screen to be viewed in the save field of vision as the tabletop,” so that the croupier is not obliged to “move his eyes away from the playing area on the table,” as stated in paragraph [0006] of the present U.S. Patent Publication.

The final Office Action, at page 3, asserts that Gelinotte discloses a display peripheral at page 4, paragraph 61. However, Gelinotte, at paragraph 61, merely states:

[0061] The processor unit 22 controls the read/write card 26 via the line 23 and the multiplexing card 24 via the line 25. In the conventional way, the processor unit 22 communicates with the outside world (**display peripheral**, keyboard, modem, network interfaces, server, etc.) via input/output (I/O) lines 29, either in point to point mode or in network mode. Without departing from the scope of the invention, a simplified version of the communication unit 20 includes only a system for reading the chip memory, the structure and operation of which are similar to what is described hereinafter for the read/write unit 26. [Emphasis added]

Thus, Gelinotte merely discloses a display peripheral, and does not teach or suggest a screen located “**at least one of on or in said tabletop,**” as required by independent claims 33 and 51. Hence, Applicant submits that the Office Action has not made a prima facie case of obviousness.

Additionally, Applicant urges that dependent claims 34, 37-45, 47-49, and 52-61 are patentable for, at a minimum, the same reasons as their respective base claims, as well as on their own merits.

Applicant urges the Examiner to reconsider and withdraw this rejection.

(b) 35 U.S.C. § 103 Rejections over Gelinotte in view of Walker

Claims 34, 40-42, 53-55, and 59 are finally rejected under 35 U.S.C. §103(a) over Gelinotte in view Walker. Applicant urges that this rejection is in error and requests reconsideration by Examiner the in view of the following comments.

As discussed above, Gelinotte does not disclose at least one feature of independent base claims 33 and 51 (“**display device including a screen at least one of on and in said tabletop**”). Walker does not remedy this deficiency.

In fact, Walker **teaches away** from the above recited feature of independent claims 33 and 51. Walker, at FIG. 8, illustrates a display (142) located away from the tabletop, at a location which would be directly to the right of the croupier or dealer, and which is not on or in said tabletop. Thus, Walker teaches that the area on or in the tabletop is untouchable, and cannot be trespassed upon by a display.

In contrast to Walker, independent claims 33 and 51 require that the screen be at least one of, on and in said tabletop. Thus, Walker does not remedy the deficiency of Gelinotte, and teaches away from the above recited feature of independent claim 1.

Dependent claims 34, 40-42, 53-55, and 59 are patentable for, at a minimum, the same reasons as their base claims, as well as on their own merits.

For example, dependent claim 34 recites that “**the screen of the display device is a flat**

**screen mounted flush with the tabletop.”** The Office Action, at page 5, asserts that Walker discloses a display, and asserts that “rearranging parts of an invention involves on [sic] routine skill in the art,” citing *In re Japikse*.

However, MPEP 2144.04(VI)(C) describes *In re Japikse*, 181 F.2d 1019, 86, USPQ 70 (CCPA 1950) as holding that the position of the starting switch was unpatentable because “shifting the position of the starting switch would **not have modified the operation** of the device.” (Emphasis added.)

In contrast to the position of the starting switch of *In re Japikse*, the **position** of the display in a gaming tabletop **is critical to the ergonomic operation of the tabletop. For example, a croupier (or dealer) standing at the table of FIG. 8 of Walker would be forced to turn 90 degrees to his right to view the display**, and forced to remove his eyes from the tabletop. This turning movement would be clearly visible to the players at the table, and would provide the players with an opportunity to cheat.

In contrast to Walker, the **“a screen at least one of on and in said tabletop”** requirement of claims 33 and 51 is exemplified in a non-limiting manner by: screen 30 of FIG. 1, or screens 30 and 30’ of FIG. 3a, or screen 30” of FIG. 3b.

Thus, Applicant submits that the required location of the screen of claim 33 and 51 **modifies the ergonomic operation** of the Walker gaming table by allowing the dealer to look at the screen without having to take his eyes off of the table, and thus **prevents players from cheating.**

As discussed above, the location of the screen (ergonomics) is very important to the operation of the table. For example, the tray or rack containing chips is located on or in the table, and “must be continuously monitored by the table operator, in this instance the croupier,”

as stated at paragraph [0004] of the present patent publication. Therefore, there is a need for enabling “the display screen to be viewed in the save field of vision as the tabletop,” so that the croupier is not obliged to “move his eyes away from the playing area on the table,” as stated in paragraph [0006] of the present U.S. Patent Publication.

Applicant urges the Examiner to reconsider and withdraw this rejection.

(c) 35 U.S.C. § 103(a) Rejections over Gelinotte in view of French and Walker

Claims 46-50 and 57 are finally rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Gelinotte in view of U.S. Patent No. 5,737,742 (hereinafter “French”) and Walker. Applicant urges that this rejection is in error and requests reconsideration by Examiner the in view of the following comments.

Independent claim 46 recites, in part, **“display device including a screen at least one of on and in said tabletop.”**

As discussed above in sections (a) and (b), Gelinotte does not teach or suggest the above recited feature and it is not obvious to rearrange the display device, Walker does not remedy the deficiencies of Gelinotte, and the presently claimed location of the display device modifies the ergonomic operation of the table so that *In re Japikse* does not apply.

Further, French does not remedy the deficiencies of Gelinotte and Walker.

Thus, Applicant submits that independent claim 46 is patentable over Gelinotte in view of French and Walker.

Further, dependent claims 47-50 and 57 are patentable for, at a minimum, the same reasons as their respective base claims, as well as on their own merits.

Applicant urges the Examiner to reconsider and withdraw this rejection.

(d) 35 U.S.C. § 103(a) Rejections over Gelinotte in view of French

Claim 37 is finally rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Gelinotte in view of French. Applicant urges that this rejection is in error and requests reconsideration by Examiner the in view of the following comments.

Claim 37 depends from independent claim 33. Independent claim 33 recites, in part, “said **display device including a screen at least one of on and in said tabletop.**” As discussed above in section (a) and (b), Gelinotte does not teach or suggest the above recited feature, and the presently claimed location of the display device modifies the ergonomic operation of the table so that *In re Japikse* does not apply. Further, French does not remedy the deficiencies of Gelinotte.

Applicant submits that independent claim 33 is patentable over Gelinotte in view of French.

Thus, dependent claim 37 is patentable for, at a minimum, the same reasons as its respective base claim, as well as on its own merits.

Applicant urges the Examiner to reconsider and withdraw this rejection.

(e) Claim 58 rejection based on the Office Action Summary PTOL-326

As discussed above regarding the status of the claims, Applicant notes that dependent claim 58 is listed as rejected in the Office Action Summary form PTOL-326 of the final Office Action dated April 4, 2009, but no discussion of claim 58 is present in the body of the final Office Action. Thus, **the true status of claim 58 is not clear.**

At a minimum, Applicant submits that no proper rejection has been presented regarding

claim 58, and therefore claim 58 is patentable.

Further, Applicant submits that dependent claim 58 is patentable for, at a minimum, the same reasons as base claim 51, as well as on its own merits.

Applicant urges the Examiner to reconsider and withdraw this rejection.

#### **IV. Conclusion**

Applicant respectfully requests withdrawal of all of the rejections of the pending claims, and issuance of a notice of allowance.

Please direct any questions to the undersigned at the below-listed telephone number.

Respectfully submitted,



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